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AMERICAN NAT. BANK *v.* CHAPIN et al.

June 16, 1921.

[107 S. E. 636.]

1. Records (§ 9 (8)*)—Prayer for Separate Registration of Each Lot Essential to Entitle Owner to Certificate for One Lot.—Where the petition for registration of title to two lots treated them as a single piece of property, and did not ask for registration of one separate from the other, it was not error for the court to refuse to issue a certificate of absolute title to one of the lots whose title was not in controversy if the title to the other was defective.

2. Records (§ 9 (4)*)—Title to Lots Occupied by Same Building Cannot Be Separately Registered.—Where the building of petitioner for registration of title to two lots occupied both lots, the court would be warranted in holding that the title to one of the lots, as to which there was no question, was not proper for registration under Uniform Land Registration Act (Acts 1916, c. 62, § 44) separate and apart from the other lot.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 214.]

3. Wills (§ 184 (4)*)—Holographic Codicil Held Not to Revoke Plan of Distribution of Residue.—Where the original will required the residue of the estate to be kept together for five years after testator's death, then divided into two parts, one of which was to go to the widow for life, and the other to the testator's children, with contingent remainders over, a holographic codicil containing no express revocation of the will, which provided the estate should be kept together until the youngest child became of age, and that the widow should receive an amount to be decided by the court for the support of herself and children, did not revoke the provisions of the will for the distribution of the two parts of the residue, but merely changed the time for such distribution and the disposition of the income.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 758.]

4. Wills (§ 637*)—Contingent Remainders Cannot Be Accelerated from Cause Not Intended by Testator.—The doctrine of acceleration of remainders is controlled by the intention of the testator, and there can be no acceleration of a contingent estate from any cause or occasion not expressly or impliedly contemplated or intended by the person creating the estate.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 817.]

5. Wills (§ 802 (2)*)—Contingent Remainders after Life Estate to Widow Are Accelerated by Her Renunciation of the Will.—Remainders to the children of testator or their issue who may be living at the death of testator's widow, to whom the life estate was given,

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

even if they are contingent, are accelerated by the widow's renunciation of the will and election to take her dower and distribution share, since the testator's intention in postponing the remainders was manifestly to provide for the widow.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 818.]

Appeal from Court of Land Registration for City of Richmond.

Suit by American National Bank against C. C. Chapin, trustee, and others, for the registration of title to three lots. From a decree refusing to order a certificate of absolute title to two of the lots, after the proceedings were severed as to the third, complainant appeals. Reversed and remanded.

Jas. E. Cannon, E. C. Massie and George Bryan, all of Richmond, for appellants.

Daniel Grinnan and Leake & Buford, all of Richmond, for appellees.

TWOHY v. TWOHY.

June 16, 1921.

[107 S. E. 642.]

1. Divorce (§ 184 (10)*)—Trial Court's Conclusions in Divorce Suit Entitled to Respect and to Be Followed, unless Contrary to Evidence.—In a wife's suit for divorce, the conclusions of the trial court based on the entire body of the testimony are entitled to great respect, and are to be followed, unless contrary to the evidence or without evidence to support them.

2. Divorce (§ 130*)—Evidence Held Sufficient to Sustain Decree for Cruelty and Drunkenness.—In a wife's suit for divorce for drunkenness, neglect, brutality, etc., evidence held sufficient to sustain decree of divorce.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 745.]

3. Divorce (§§ 240 (5), 308*)—Allowance of Alimony and Money for Support of Children Not Excessive.—The court did not err in allowing to a wife, who secured divorce for the drunkenness and cruelty of her husband, worth some \$300,000, and having an annual income of \$11,500, alimony in the sum of \$3,600 a year, with an award of another \$3,600 for the three children.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 754.]

4. Divorce (§ 227 (2)*)—Allowance of Counsel Fees Not So Excessive as to Call for Reduction.—In a wife's suit for divorce for drunk-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.